

North Canton City Council
Street and Alley Committee

ORDINANCE 05 - 2022

An ordinance amending Chapter 907, Street Excavations, of the Codified Ordinances of the City of North Canton in order to establish separate processes for minor and major street excavations.

WHEREAS, in response to concerns of City residents, the Council of the City of North Canton asked that the street excavation permit process be reviewed for possible amendment to reduce the financial burden on private homeowners performing minor work; and

WHEREAS, the Administration has prepared amendments that would separate minor street excavations into a separate and less burdensome permit classification.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

- Section 1. That Chapter 907, Street Excavations, of the Codified Ordinances of the City of North Canton, be, and is hereby, amended to read, in its entirety, as set forth in "Exhibit A" attached hereto and incorporated herein.
- Section 2. That the Clerk of Council and Mayor of the City of North Canton be, and are hereby, authorized to make such amendments as may be needed to the Codified Ordinances of the City of North Canton to accurately reflect this ordinance upon approval of such amended pages by a voice vote of Council.
- Section 3. That if a provision of this ordinance is or becomes illegal, invalid, or unenforceable, it shall not affect the validity or enforceability of any other provision of this ordinance.
- Section 4. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this 7th day of February, 2022.

Attest: Benjamin R. Young
Benjamin R. Young, Clerk of Council

Stephan B. Wilder
Stephan B. Wilder, Mayor

Signed on: 7 February 2022

CHAPTER 907 – STREET EXCAVATIONS

SECTION 907.01 SCOPE OF REGULATIONS

The conditions contained in this chapter apply to any individual, firm, corporation, utility, or governmental subdivision, which finds it necessary to excavate within any dedicated street, alley, or right of way within the corporate limits of the City. The specifications contained in this chapter apply to any and all modifications made within the street lines or right of way lines of any dedicated street or alley within the corporate limits of the City.

SECTION 907.02 RIGHT OF WAY PERMITS; FEES; EXCEPTIONS

(a) Before any work or modification(s) performed in the rights-of-way, a right of way permit must be obtained from the Director of Permits. Utilities operating under franchise and performing work with their own employees within the City shall pay no permit fee for right of way permits, but must obtain a permit prior to commencing work and follow the specifications and procedures of this chapter.

(b) A major right of way permit is required with any modification(s) occur in the roadway area or extend beyond a single adjoining property when located outside the roadway area. The cost for such permit shall be determined by the actual costs incurred by the City. A cash deposit established by the City engineer shall be placed and maintained with the City prior to permit issuance. In the event the deposit exceeds the City's actual costs the remaining balance will be refunded in accordance with Section 907.3.

(c) A minor right of way permit is required where the modification(s) performed is located entirely outside the roadway and limited to the area within a single adjoining property. The cost for such permit shall be one hundred dollars (\$100.00) and shall be paid at the time of application. The City Engineer may determine a project ineligible for a minor right of way permit based on the scope of work and therefor require a major right of way permit.

(d) The work to be done under a right of way permit, and the restoration of the rights of way as required herein, must be completed within the dates specified in the permit. In addition to its own work, the permittee must restore the general area of the work, and the surrounding areas, including trench backfill, paving, and its foundations in accordance with any applicable laws and the standards established by the City Engineer, and must inspect the area of the work and use reasonable care to maintain the same condition for 180 days thereafter.

(e) The Director of Permits shall not issue any right of way permit until all requirements of this chapter have been satisfied as determined by the City Engineer and no work shall be commence until a right of way permit is obtained from the Director of Permits.

(f) A right of way permit is not required for the replacement of existing sidewalks located in the public right-of-way.

SECTION 907.03 PERFORMANCE REQUIRED

(a) All persons, firms, corporations, partnerships, or other entities, except franchised utility companies performing work with their own employees and the City of North Canton, upon obtaining a major right of way permit, shall make a deposit in the form of a performance bond or certified check in an amount determined by the City to be sufficient to cover the cost of restoring the rights-of-way in accordance with any applicable laws and the standards established by the City Engineer. If within one hundred eighty (180) days after completion of the restoration of the rights-of-way and final inspection by the City, the City determines that the rights-of-way have been properly restored, the surety on the performance bond shall be released.

(b) The City shall have the authority to prescribe the manner and extent of the restoration and may do so in written procedures of general application or on a case-by-case basis. Any deficiency in the restoration of the rights-of-way shall be corrected in accordance with the standards and materials specified by the City. If within three (3) days of being notified by the City any deficiency in such work, the permittee has not corrected such deficient work, all deposits shall

be forfeited and the City may, but shall not be obligated, to complete the work. The forfeiture of a deposit shall not prejudice the City from pursuing any additional cost incurred by the City.

(c) Deposits shall be held for one hundred eighty (180) days after final inspection to ensure the quality of work.

(d) All persons, firms, corporations, partnerships or other entities that have been issued a right of way permit shall be responsible for reimbursing the City for all actual costs of all engineering, surveying, inspections, and/or other costs incurred by the City in the review, checking, and/or inspection of the work being performed. Any such costs not paid after the period specified in subsection (c) hereof shall be claimed against the deposit provided by the permittee pursuant to subsection (a) hereof.

SECTION 907.04 EQUIPMENT; BARRICADES; LIGHTS

(a) Equipment. Any equipment used for making excavations covered by this chapter shall be mounted on pneumatic tires, rubber covered tracks, or street pads. Equipment having steel lugs or steel tracks shall not be loaded, unloaded, or operated in any fashion on the improved portion of the street, alley, or right of way.

(b) Barricades and Lights. Barricades strong enough to support a pedestrian shall be placed completely around all excavations. Lights or lanterns shall be placed at all corners of the barricades and at intervals not to exceed ten feet on centers. Lights or lanterns shall be lit thirty minutes before sundown and operate continuously until thirty minutes after sunup. Should the excavation be made on an uninhabited or unimproved street, barricades and lights shall be placed at all entrances and exits and need not be placed along with the excavation.

SECTION 907.05 EXCAVATIONS, SIZE, AND BACKFILLING

(a) Excavations. All excavations shall be made as small as practical for the prosecution of the work.

(b) Backfill.

- (1) Under pavements or traveled alleys. After installation or repair of the structure, which necessitated the excavation, select earth shall be tamped in six-inch layers around the structure and to a depth of six inches above it. The remainder of the backfill shall be a granular material known as crusher run stone, grits, bank-run gravel, or another granular material approved by the Excavation Inspector. The granular material shall be tamped in six-inch layers. The granular backfill shall terminate eight inches from the top of the existing pavement. The final eight inches shall consist of six inches of concrete base and two inches of asphalt concrete.
- (2) Under sidewalks and driveway approach slabs. Excavations under sidewalks and drives shall be backfilled exactly as for that under pavements except that the granular backfill shall be terminated one inch below the subgrade of the sidewalk and two inches of No. 67 stone shall be evenly spread over the sidewalk area and shall be checked and maintained for a period of thirty days.
- (3) Under areas between the pavement and the sidewalk. Excavations between the sidewalk and the pavement shall be backfilled with select earth, tamped in six-inch layers, and terminated in a neat mound six inches above the surrounding surface. Should the excavation impair the strength of the adjacent pavement or sidewalk, granular backfill shall be placed in the six-inch compacted layers, to a depth of eighteen inches below the existing surface. The remainder of the backfill shall then be select earth placed as described above. The agency making the excavation shall be responsible for replacing all pavement or sidewalk, existing or new, damaged by careless excavation or improper backfilling.

SECTION 907.06 REPLACEMENT OF PERMANENT PAVEMENT

(a) Brick Pavements and Blacktop Streets. If after thirty days, the Excavation Inspector is convinced that further settlement of the backfill will not occur, the temporary surface shall be removed and the granular backfill excavated to a depth of eight inches. The remaining granular backfill surface shall be leveled, tamped, and moistened. Six inches of the concrete base shall be placed on the prepared granular backfill. After the concrete has set, two inches of the asphaltic concrete surface shall then be compacted on the concrete base. All blacktop joints shall be sealed. Based on the existing pavement thickness and the average daily traffic, the City Engineer may specify a different pavement replacement section.

(b) Concrete Pavements. If after thirty days, the Excavation Inspector is convinced that further settlement of the backfill will not occur, the temporary surface shall be removed and the granular backfill excavated to such a depth that a minimum of eight inches of Portland cement concrete pavement can be placed.

SECTION 907.07 TRAFFIC CONTROL

(a) Individuals who receive permits shall notify the City of North Canton Police Department with no less than 24 hours prior notice of any planned disruption in traffic patterns.

(b) All traffic safety and control shall be in accordance with the latest version of the Ohio Manual of Uniform Traffic Control Devices as adopted by the Ohio Department of Transportation.

SECTION 907.08 SAFETY MEASURES; MANHOLES; EXCAVATIONS

(a) Barriers, barricades, or standard guard railings shall be provided for guarding open manholes, handholds, gratings, or excavations. Visual warning devices shall be provided for such barricades, barriers, and guard railings.

(b) Testing equipment shall be provided and a standard procedure established by the employer to determine the presence of air contaminants or a deficiency of oxygen.

(c) Air contaminants or oxygen deficiency shall be controlled, minimized, or purged by one or more of the following methods:

- (1) Removed at source by local exhaust ventilation;
- (2) Removed by general ventilation;
- (3) Removed by dilution ventilation; or
- (4) By respiratory equipment furnished by the employer which provides protection equal to or greater than that approved by the U.S. Bureau of Mines, where there are air contaminants or where there is a deficiency of oxygen in the air.

The air or oxygen supplied to a supplied air helmet shall be of the positive pressure type. The air supplied to a supplied air helmet or to other supplied air breathing apparatus shall be filtered.

(d) Ladders shall be provided for entering or leaving a manhole, vault, or other similar underground area.

(e) The fixtures to which lamp sockets and plugs are attached shall, in all cases, be explosion proof, vapor proof, moisture proof, and dust proof. All extension cords shall be made of heavy duty cord. All lamps shall be guarded.

(f) No person shall enter a manhole, in a public right-of-way, or remain inside thereof, and no person, firm, or corporation shall direct, permit or allow another in his employ or under his supervision, to enter a manhole or remain inside thereof without having another employee on the surface at or near the entrance to the manhole.

(g) Where the safety equipment is provided as outlined in subsection (a) hereof it shall be the responsibility of the employee or employees working at or in the manhole to use that equipment.

SECTION 907.99 PENALTY

(a) Whoever violates any provision of this chapter is guilty of a minor misdemeanor, a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(b) The City is authorized to issue a stop work order when any work is in violation of this code and may cause the remedy for any hazardous situations created by the violations present at the sole expense of the responsible parties.